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Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
Room TW-A35
445 12th Street, SW
Washington, DC 20554

RE: Brief Reply Comments on LPFM Proceedings, MM Docket No. 99-25

Common Frequency (CF) commends the Commission for arriving at a decisive milestone for the deployment of Low-Powered FM implementing major provisions of the *2010 Local Community Radio Act* announced on November 30th, 2012, and published with the release of the *Sixth Report and Order* on December 4, 2012. We appreciate the Commissioners' recognition of Common Frequency in its press conference, along with mention of the contributions by our fellow coalition partners including RecNet and the Prometheus Radio Project, to collectively achieve solutions.

CF is also pleased to notice that the calculations and simulations provided to the Commission by our Technical Director Todd Urick on January 30, 2011 appear to be wholly consistent with the calculations ultimately adopted by Commission Staff in generating the LPFM maps; and that Common Frequency's contributions and policy recommendations are referenced over 60 times in the final published *Sixth R&O*; and several more times collectively as part of the LPFM advocates

While we join in the applause for this recent action with the announcement of the tentative October 2013 filing date, our collective achievements are admittedly tempered by several unresolved issues raised by the Petitioners.

Further, on careful consideration of the most recent Comments and Replies filed for 99-25 in January and February 2013, along with a more detailed review of *R&O* itself, has caused us to stop short of prematurely echoing declarations of a full 'victory' for Media Diversity. It is also difficult to not consider the greater context of the current state of Localism, and the recent dismal statistics of media ownership and participation by women and minorities.

As with all media resources operating in the public interest, the successful deployment of LPFM must be deliberately mindful of circumstances such as that prompted nationwide concerns from citizens and public interest groups registered to Commissioner's offices on December 4th (same day the 99-25 *Sixth R&O* was published), and precipitated the February 26, 2013 postponement of the Commission's scheduled vote on the Quadrennial Review of ownership in light of a forthcoming independent study from the Minority Media and Telecommunications Council (MMTC).

These outstanding issues necessitate both closer examination and more clarity. Depending on the Commission's willingness to allow for further review, updated simulations can be refined that would be consistent with the goals and intents of the LCRA while retaining allocations below LP-100 and other key provisions originally mandated in creation of the LPFM Service.

To this end, we shall call attention to a few of the detailed calculations and filings Common Frequency submitted among the hundreds of pages of data and simulations previously conducted:

- On January 31, 2011, Common Frequency submitted to the Commission over 550 pages with calculations and simulations demonstrating how "ten-cap" processing for translators could be modified to avail LPFM channels urban markets more efficiently and equitably (link: <http://apps.fcc.gov/ecfs/document/view?id=7021027675>) including for New York, Seattle, Los Angeles, and other densely populated urban areas which are home to many of the very communities already underserved in broadcast media.

That CF's simulations and recommendations for LP-100 and the "ten-cap" processing appear to be preemptively consistent with the calculations ultimately adopted by The Commission, we take as an indication that our data has been consistent with the spirit and intent of the technical and media policy goals outlined in the LCRA, for which we therefore invite further detailed review in solving the outstanding "last mile" issues.

- In our 99-25 Comments filed with the Commission on May 7, 2012 (link: <http://apps.fcc.gov/ecfs/document/view?id=7021916839>), Common Frequency originally concluded that LP-10 is a viable service, but should be modified (pg 13). In light of the outstanding issues raised in the recent Comments of the Let The Cities In coalition and by Media Alliance, we find we cannot elude our initial observations that there remains " *a compelling case to keep LP-10.*"
- In March 2012, Common Frequency undertook a study behalf of Media Alliance mapping our LPFM I.F. simulations of the San Francisco area, which we also submitted to the Commission in a simple 4-page summary filed on March 9, 2012. (link: <http://apps.fcc.gov/ecfs/document/view?id=7021899361>)

As documented in our previous findings the Commission, the results of the San Francisco study concluded that LPFM I.F. spacing could be a key factor limiting LPFM availability in certain core urban areas.

The study also demonstrated how five more channels could be opened in San Francisco using LP-10 service without dismissing any more translators that would be dismissed reserving room for LP-100 service. The findings also showed how LP-10 channels could cover approximately 270,000 to 430,000 people per channel within their 60 dBu contours.

As we ask the Commission to give full and due consideration to these outstanding issues and others raised by groups petitioning for Reconsideration, we also reaffirm our continued commitment to serve as a resource to the Commission and to stakeholders for arriving at equitable 'last mile' solutions for assuring Media Diversity.

Respectfully Submitted,

- **Clayton John Leander**
Vice President
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